

1963

## CONGRESSIONAL RECORD — SENATE

615

on the cake" will serve to promote thousands of local meets, which serve as the grass roots basis of many highly successful year-around fitness programs. Remember too, that the moving force behind Junior Champ is the Junior Chamber of Commerce with 4,500 local chapters in the United States, and over 200,000 young men with the drive and dedication to solve our youth fitness problem.

Very truly yours,  
G. RICHARD PALEN,  
General Chairman,  
1963 National Junior Champ.

CALIFORNIA WESTERN UNIVERSITY,  
January 13, 1963.

HON. HUBERT HUMPHREY,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR HUMPHREY: I have just read your splendid article, titled "Why We Must Win the Olympics," which recently appeared in the magazine section of the San Diego Union. I am heartily in accord with everything you wrote. It is an article which every American should read. There is no question that everything done by the Soviets, including winning the Olympic games, is part of the cold war, an attempt on their part to degrade the West, especially the United States, and to enhance the prestige of the Communists before the eyes of the world.

May I again thank you for your enlightening appeal in behalf of our Olympic team and our country.

Respectfully yours,  
JACK MASHIN,  
Track Coach.

JANUARY 16, 1963.

Senator HUBERT HUMPHREY,  
U.S. Senate,  
Capitol Building, Washington, D.C.

DEAR SENATOR HUMPHREY: Our family wishes to thank you for your recent article on our U.S. amateur athletes which appeared in the January 6 issue of the Chicago Sun-Times.

We want you to know what it is like to be an amateur athlete in this country. My husband is a soccer player, a sport that is popular in almost every other country of the world except the United States of America. Every time we send a soccer team to the Olympics we get eliminated in the first round. In fact, if the U.S. soccer team ever gets to the Olympics, it's a small miracle. Since there are about 80 countries that wish to enter their soccer teams in the Olympic games, world regional preliminary rounds must be played prior to the games in order to cut down the teams to 16 entries. Thus the U.S. team must play a series of games against Canada, Mexico, Central America, Caribbean, and even South American teams. If the U.S. team survives these formidable preliminary contests then a trip to the Olympics is possible.

All of these U.S. soccer players, being classified as amateurs, receive no reimbursement for loss of wages while they are participating in the elimination rounds or Olympics. The U.S. team is composed of a national selection. The players have never played together and it is necessary to have some degree of training as a team before the team starts the rounds against countries whose teams have been playing as a unit for years. During this training period, our players receive no compensation.

My husband loves the sport, has believed in its value to train young boys at a low cost to the school budget. He has spent much time helping promote the sport among juveniles, on local TV shows, at luncheons, and press meetings. He has been on three U.S.

Olympic teams—1956, 1960, and now 1964. He participated in the 1959 Pan American games, and will also be in Brazil for the April 1963 games. During all this time, he has participated as an amateur—has never received one penny, has lost wages because he believes in the amateur sport system. But how long can the public expect young couples to do this?

We have mortgages to pay, children to raise, and the majority of the amateur athletes are construction or factory workers. Once an athlete leaves college, he leaves the amateur ranks and is lost to our Olympic teams.

As you pointed out in your article, Russia and many other countries reimburse, support their athletes and families to concentrate on developing their athletic talents. Why can't this country realize the sacrifice our Olympians are expected to make and then have to compete against other countries whose athletes have had nothing to do except sharpen their skills?

After the last Olympics, it was evident the United States scored miserably in the lesser known sports as fencing, equestrian, water polo, women's track, soccer, cycling, etc. If we are to compete as a world power then our athletes need help. It takes time and money to train, coach, house, and transport these men and women.

Perhaps with your and other officials' help the day will come when to be an amateur will not mean you are second rate.

Thank you for your attention.

Very truly yours,

JOAN S. MURPHY.

NEW YORK, N.Y.,  
January 7, 1963.

Senator HUBERT H. HUMPHREY,  
U.S. Senator of Minnesota,  
Washington, D.C.

DEAR SENATOR HUMPHREY: I read your article on the Olympic problem in the recent issue of Parade magazine and would like you to know that I am in full agreement with your position. I have alerted the president of the Touchdown Club of New York to your article and I am certain that both as a group and as individuals the members of the Touchdown Club will aid your outlined program.

I think it is time that the Nation begins to realize the importance of our Olympic participation. I wish you luck with your campaign.

Warmest personal regards.

JAMES J. DEURSO.

KANSAS CITY, MO.,  
January 8, 1963.

PROGRAM FOR PHYSICAL FITNESS,  
PARADE MAGAZINE,  
New York, N.Y.

SIR: Thanks to Parade for publishing the well-written article by Senator HUMPHREY on the urgent need for physical fitness among American youth.

As the parents of seven children, we certainly recommend and urge a continuation of the President's Council on Youth Fitness and wholeheartedly endorse its program.

Federal funds should definitely be made available to expand this program, with the possibility of coordinating it with the activities of the U.S. Olympic Committee in furthering the physical aptitudes of our young athletes.

The two organizations should work together in the promotion of a campaign to encourage more active participation in the Olympics.

In our ultimate future as world neighbors, we must all engage in a program of daily physical fitness and sportsmanship. Competitive sports can become the strongest bond of friendship among all nations.

Sincerely,

GLENNON CORBETT.

[From Physical Fitness News Letter,  
November 1962]

#### SENATOR HUMPHREY'S PROPOSALS

On September 12, 1962, a five-point physical fitness program proposed by Senator HUBERT H. HUMPHREY of Minnesota was published in the CONGRESSIONAL RECORD. Extensive excerpts from this statement appear in the October Journal of Health, Physical Education, and Recreation. Inasmuch as most, if not all, readers of this newsletter have ready access to the journal, a brief résumé of Senator HUMPHREY's remarks only will be given here. His five points follow: the comments with each point represent the Senator's views.

First. In 1963, the 88th Congress should amend the present national defense education law so as to provide long-needed assistance to the States to foster excellence in physical education. Our Nation's school systems simply do not have the means at present to do what must be done to help our youngsters, from kindergarten through college, improve their physical performance.

Second. Congress should establish the vital President's Council on Youth Fitness on a permanent statutory basis—with its own appropriation. This would replace the present temporary, administrative basis, on which the Council functions, living on hand-outs, so to speak, from other agencies.

Third. We should encourage civic and sports leadership throughout the land to establish—voluntarily—a national goal, a national plan and program for American participation in international competition, particularly in the Olympics. A private U.S. Olympic Foundation should be established. It should replace the relatively unplanned, haphazard, "pass the hat in the 11th hour" basis on which we have fielded hastily assembled Olympic teams in the past.

Fourth. We should coordinate, systematize, evaluate, and apply medical and related research in youth and adult fitness. Fortunately, much worthwhile research in this field has been done, particularly abroad. The value of the research tends to be dissipated, however, insofar as the United States is concerned, because its results—like most research results—are relatively scattered and unassimilated.

Fifth. We should plan fitness opportunities for all Americans. This means in our cities, our suburbs, and our great outdoors. Fitness should be facilitated, not made difficult.

Senator HUMPHREY ends by saying: I believe that around this proposed fitness program we can have the fullest bipartisan participation. It is a program to which every American, rich or poor, big or little, strong or weak, whatever may be his race, color, or religion, can make a distinct contribution.

#### REACTIONS TO SENATOR HUMPHREY'S PROPOSALS

Whenever a great public figure, such as a Senator of the United States, especially one of HUBERT H. HUMPHREY's stature and fame, speaks out vigorously in bipartisan support of a much-needed physical fitness program for the Nation, professional physical educators can be thankful. The Nation can be thankful, too, as our lack of physical fitness generally has been demonstrated, the relations of physical fitness to mental, social, personal, and emotional responses have been shown, and the need for exercise as a way of life has been documented. In such statements, Senator HUMPHREY is serving his country in a very real sense.

SAN DIEGO CITY SCHOOLS,  
San Diego, Calif., January 14, 1963.

HON. HUBERT H. HUMPHREY,  
U.S. Senate,  
Washington, D.C.

MY DEAR SENATOR HUMPHREY: Congratulations for a very fine article in the January 6,

1963, issue of *Parade* magazine. I find myself in almost complete accord with your statements.

With respect to your points on developing a greater degree of physical fitness for the Nation's youth, I should like to propose to you that the Youth Fitness Council be placed upon a more certain footing than it is now under the President. While it is true that President Kennedy gives this council considerable personal attention, it may also be true that the next President might not. Also I believe that if it were set up properly by Congress and funded, it could be a mighty force in the refabrication of physical fitness in this land.

Yours in the interest of youth fitness.

DARRELL J. SMITH,  
Physical Education Specialist.

Mr. HUMPHREY. Mr. President, I should like to make a few general observations on our participation in the 1964 Olympic games. I believe that our voluntary groups, colleges, great athletic clubs, and other amateur organizations in our country, should make every effort to put into the field the finest talent our Nation has for the 1964 Olympics. I for one feel that we can win the Olympics honorably and on the terms of amateur athletic status. But we cannot do it unless we try. We cannot do it unless we want to win. It is not good enough merely to send a team to the Olympics. What we need to do is to send the best we have. That is why the Senator from Minnesota has proposed that in every State, county, and major city on the Nation there be an Olympic-type competition among our young men and women so that we can bring to the forefront the finest talent our Nation has. Then when our teams go into the field and track meets of the Olympics including the winter competitions, we shall be able to say that we did our best. Frankly, up to now we have not been doing our best because we have had far too little national support—from the Nation and from the people in the Nation—for the Olympic participants.

It is my hope that whoever is selected for our great Olympic teams to represent our Nation in 1964 will be honored by a personal invitation to the White House, greeted by the President of the United States as they leave for Tokyo to participate in the 1964 Olympics, and greeted again upon their return. I hope they will receive the commendation of our Government.

#### THE MEANING OF FREEDOM

Mr. GOLDWATER. Mr. President, the terms "liberal" and "conservative" have—in the words of the late E. E. Cummings, "like old razor blades"—been used to the point of "mystical dullness" and emphatically need to be resharpened. Amidst the welter of controversy which surrounds those who classify themselves as one or the other, it must never be forgotten, as it occasionally has been, that what matters is not the label we append to a particular viewpoint but the protection of the rights and dignity of the human person, in other words, the preservation of freedom.

But even here, if we pause for a moment to reflect on what seems such a

simple and easily understood concept, the realization is brought home to us that the meaning of freedom has grown not only complex, but also confusing, and that clarification is required. Fortunately, this essential task has been accomplished in a manner both eloquent and persuasive.

A few months ago, Mr. Frank S. Meyer, a senior editor of *National Review*, and author of that remarkable study "The Moulding of Communists" which had been commissioned by the Ford Foundation, published a little book called "In Defense of Freedom." I strongly recommend this work to all of my colleagues and to the public as well. I can think of little on the subject of "freedom" which is of greater value. In that connection, Mr. President, I ask unanimous consent that the review of Mr. Meyer's book by William Henry Chamberlin, which appeared in the *Wall Street Journal* for Thursday, December 27, 1962, be printed at this point in the Record.

There being no objection, the review was ordered to be printed in the Record, as follows:

#### DEFENDING INDIVIDUALISM IN A COLLECTIVE AGE (By William Henry Chamberlin)

The two political and philosophical thought systems known as liberalism and conservatism have exchanged intellectual baggage so completely during the last century that representatives of both may now be properly asked to state what they really believe in.

The old-fashioned conservative of the 18th and 19th centuries gave a high priority to order and respect for the state as a source of constituted authority. The modern conservative is often (for there is no uniformity in the conservative camp) a passionate champion of what used to be thought of as liberal values, liberty and individualism.

In the same way, especially in America, liberalism, which developed and grew strong in asserting the rights of the individual against the state, has become closely identified with statism. The hallmark of the American liberal is the belief that the state can do more for the individual than the individual, if left to his own resources, can do for himself. The typical liberal, modern American style, wants high Government spending, high taxation, and a continued expansion of the size and functions of the Federal bureaucracy.

#### THE TRULY GOOD LIFE

An interesting and significant contribution to the eternal liberal-conservative debating dialogue is Frank S. Meyer's "In Defense of Freedom: A Conservative Credo." A frequent contributor to conservative magazines of opinion, Mr. Meyer pitches into the economic theories of Lord Keynes and the educational theories of John Dewey with truly crusading zeal. But his conservatism is deeply rooted in individualism, in a profound conviction that the individual human being is the final source of virtue, of cultural appreciation, of all the attributes of a truly good life.

Edmund Burke is widely regarded as the intellectual patron saint of modern conservatism. But Meyer contends that there is a pronounced difference between Burke, invoking inherited experience in his defense of the existing political and legal setup of Great Britain against the doctrinaire challenge of the theorists of the French Revolution, and the situation which confronts American conservatives today.

For now, as the author maintains, liberal collectivism is in the saddle and dominant in many areas of thought and action. Rea-

son is an essential tool if this grip is to be loosened or broken.

Mr. Meyer is convinced that virtue is personal, not institutional. Freedom is to be cherished for many reasons, but not least for the fact that it gives men the best opportunity to pursue and practice virtue. Coercive measures in this field are useless and self-defeating. The proper concern of government is not the inculcation of virtue, but the preservation of an order conducive to freedom. In his belief that ethics is personal, not the product of any set of institutions, he is in agreement with all the world's great religious and moral teachers.

The author retains an old-fashioned belief, reinforced by a good deal of experience, past and present, that individuals are best able to make their own economic decisions. He aims one of his sharper shafts at Keynes and one of Keynes' modern disciples, John Kenneth Galbraith:

"Where Keynes thought that the capitalists did not know how to invest and that bureaucrats could do it better by state manipulation, Galbraith thinks that consumers do not know how to spend and that bureaucrats can do it better for them by transferring purchasing power from 'the private sector' to 'the public sector', that is, from individual persons to the state."

#### WIT AND PERCEPTION

Although Mr. Meyer sometimes employs a technical philosophical vocabulary that might put off the lay reader, his writing often sparkles with qualities of wit and perception that are best conveyed by a few direct quotations:

"To deprive the able of the opportunity to realize their ability, in the name of a leveling equalitarianism, is as great an oppression as to enslave the many for the benefit of the few."

"The form of institutions has no power to make bad men good or good men bad."

"A free economy can no more bring about virtue than a state-controlled economy. A free economy, is however, necessary in the modern world for the preservation of freedom, which is the condition of a virtuous society."

Perhaps not since Friedrich Hayek published his superb "Road to Serfdom" has there been such a stout defense of the values of freedom and individualism in this collectivist age.

WILLIAM HENRY CHAMBERLIN.

#### ALLEGED PROMISE OF AIR COVER FOR CUBAN INVASION

Mr. GOLDWATER. Mr. President, over the weekend the American public was treated to some very strange statements with regard to the situation in Cuba, both past and present. For example, our esteemed Vice President, Mr. LYNDON JOHNSON, was quoted as saying that "we have pulled the fangs of the rattlesnake in Cuba." Now, while this may well be his view of the situation in the Caribbean, I suggest it is a highly optimistic view and one which the United States cannot afford to adopt as a matter of policy. For the fact is that we have not pulled all of Castro's fangs. He still has an estimated 17,000 Soviet troops and technicians at his disposal, as well as Mig fighters and other important types of Soviet-supplied military equipment. To all intents and purposes, he is enjoying the protection of an anti-invasion pledge from the United States—regardless of whether we formalize the assurances President Kennedy gave to Nikita Khrushchev with an official dec-

laration to the United Nations Security Council. Plans are still going ahead for the construction of a Soviet fishing port which can easily accommodate Russian submarines.

In sum, Mr. President, Castro's Cuba is still a menace to freedom in the Western Hemisphere. It is an island which bristles with offensive weapons, only some of which are presumed to have been removed at the time of the American quarantine. We do not even have positive evidence that all of Russia's long-range missiles and bombers have been removed. In this respect we are making a heavy assumption based entirely on Soviet assurances and a few aerial photographs after dropping our proper demands for inspection.

But be that as it may, the strangest Cuban statement of all over the weekend is the one attributed in this morning's newspapers to Attorney General Robert Kennedy.

According to this story, Mr. Kennedy claims that no U.S. air cover was ever planned or promised for the Bay of Pigs invasion of Cuba in April of 1961. Thus, after 21 months, the Attorney General makes a claim that his brother, the President, never saw fit to make at the time when he was assuming the whole blame for the fiasco at the Bay of Pigs. I myself talked with President Kennedy at his request only a few days following the abortive invasion attempt. And I certainly got the impression then that an air cover had been part of the original invasion plans. I am sure the entire American public has understood that the air cover was definitely in the invasion plans until the President was persuaded—by some still unidentified advisers—to cancel it. At the time of the invasion, stories printed in almost all American newspapers told of U.S. planes actually being in the air, ready for use, if the command should come. There were reports of an aircraft carrier standing off the invasion coast at the time of the landing.

Mr. President, I suggest it is proper to inquire into this latest example of "news management" by the New Frontier. Has this practice of the administration now been extended to the rewriting of history in an image acceptable to the men presently in charge of the National Government?

If there was never any plan to provide an air cover for the Bay of Pigs invasion, why was this never brought to light before? Why did every Cuban exile leader with whom I spoke tell me that the United States had definitely promised to give such help? Why has the Government permitted the American people to labor for 21 months under the wrong impression?

#### AMENDMENT OF RULE XXII—CLOSURE—LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, I should like to have the attention of the Senate. I do so for the following purpose. We have been engaged in a debate on a motion to take up the Anderson proposal to change rule XXII. I

express the hope that from now on Senators will remain in Washington to the end that we may face the question which is holding up the business of the Senate, the selection of committees—at least on the Democratic side—and appointments to fill vacancies on both the steering and policy committees on the Democratic side.

I hope also that sometime this week it will be possible for some Senator to make a motion, preferably first on the question of constitutionality, so that there can be a test of the sentiment of Senators. Of course, we can continue for a long time the way we are going at present. But I urge Senators to "put their ducks in order," so to speak, to try to bring the question now before the Senate to a head, to the end that some sort of conclusion can be reached, legislation can be considered, and committees can be appointed.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Is it fair to say—and I think it is very important that the point be developed—that the majority leader's views as to the length of the session are entirely amenable to those who wish to speak? In short, if certain Senators wish to speak, there is no reason why the Senate sessions cannot accommodate all Senators who wish to speak. Also, if I understand the majority leader correctly, nothing may be deduced from the fact that he is perfectly willing to see sessions end at convenient hours—5 o'clock, 6 o'clock, or 7 o'clock—but such willingness is not designed to give us a rule by which Senators are to be limited in their speeches. If Senators wish to speak, the majority leader will accommodate them.

Mr. MANSFIELD. In my opinion, the use of the word "rule" is unfortunate, because neither the majority leader nor the minority leader can lay down a rule. All we can do is to make statements as to what is our intent.

If Senators wish to speak later than 6 or 7 or 8 o'clock, that is perfectly all right. The only stipulation I would try to make is that if they do speak until a late hour the membership as a whole be given assurances that there will be no votes of any kind, because I think that is a part of our responsibility.

I hope that some Senator will make a motion soon, so that this subject can at least be "put on the road." What we are doing now is expressing our opinions merely on a motion to proceed to consider. Having had some experience with such motions, I must say I do not like debate on those particular subjects, even though they are well within the rules. But I do not think it is wise for the Senate to go along at the pace at which it has been going, and hold up the appointment of Members to committees. I think it is advisable, in our own best interest and in the interests of the Nation as a whole, to get down to business and, to use a colloquial phrase, "to get off the dime."

Mr. DIRKSEN. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. I wonder if the majority leader can advise the Senate whether he has any knowledge of any Senator who proposes to make a motion to proceed under the Constitution to adopt rules; and, if so, whether some time has been tentatively established for the submission of such a motion.

Mr. MANSFIELD. In response to the questions raised by the distinguished minority leader, I have no exact knowledge. I have heard rumors that perhaps at some time during the middle of this week some Senator will offer a motion to test constitutionality. I have heard rumors that after that is done, if it is done, a motion to table will be made.

I personally do not intend to make either motion, because I think there ought to be a reasonable amount of debate. But I would like to see some action taken to the end that we may get underway.

Mr. DIRKSEN. Mr. President, will the majority leader yield further?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. I wish to ask a question of any of the proponents of a rules change. Can any of them advise the Senate now as to whether such a motion as has been discussed will be made; and, if so, at what approximate time?

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HUMPHREY. First, I believe it would be well to clarify the intention of the minority leader, as expressed last week, to offer a tabling motion to determine whether that procedure is to be followed; and, if so, when? Then I would say to the minority leader that if such a motion were to be made and if such a motion were to be defeated, there would be an intention on our part to raise the so-called constitutional question—in other words, a motion to bring debate to a close and to vote thereon.

Mr. DIRKSEN. Mr. President, I can give a very candid answer. It has been suggested to me that the motion dealing with constitutionality should come first in the procession of motions, and in view of that suggestion I stated that I would gladly forbear; and I have done so.

Mr. HUMPHREY. I was merely seeking information. I appreciate the candor of the Senator's remarks. There have been discussions—only discussions—relating to the making of a simple motion by a Senator to terminate debate upon the present issue of the motion to consider the Anderson resolution. Such motion would be made by the Senator from New Mexico, whose motion is now pending before this body; namely, the motion to proceed to consider Senate Resolution 9.

Mr. DIRKSEN. Mr. President, will the majority leader forbear further?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. If the distinguished Senator from Minnesota can give the Senate a hint as to the day when such a motion will be made, it will be possible then to bring absent Senators back to Washington, if they are absent, so that there will be a full contingent when the question is considered.

Mr. HUMPHREY. As of this hour, no particular date has been agreed upon, but we will inform the leadership, so that arrangements can be made to see that every Senator interested in this subject has an opportunity to be present in the Chamber.

There have been rather extended discussions of this subject. My personal view is that action should be taken early this week. I hope that it can be taken between now and Wednesday. But I stress this is only my personal view. I know certain of my colleagues have other views. I mention Wednesday only as a personal suggestion.

Mr. MANSFIELD. Does the distinguished minority whip, who has coauthored the resolution presented in his behalf and in behalf of the distinguished majority whip, wish to make any comment at this time?

Mr. KUCHEL. I do.

Mr. President, the issue before the Senate at the moment is relatively simple. It is merely a motion to make the Anderson resolution the pending business in the Senate; and to determine, after a week's debate in this Chamber, whether that simple issue is to be voted up or voted down.

I suggest, first, that a unanimous-consent request be made that the Senate proceed to vote on the Anderson motion to set the resolution for debate; and if, as I apprehend, there may be objection to that unanimous-consent request, then, for our guidance I should like to ask the distinguished Presiding Officer, the President of the Senate, a parliamentary question or two, which I think might help to enlighten those of us who believe that a change in the rules is necessary. If the Senator will yield to me for that purpose, I should like to ask the distinguished Vice President a question.

Mr. MANSFIELD. I yield for that purpose.

Mr. KUCHEL. Mr. President, those of us who have placed our names on a proposed rule change under which, when a cloture petition has lain at the desk for 15 legislative days, a majority of the Senate—51 Senators—might invoke cloture, base our contention upon section 5 of article I of the U.S. Constitution which, as the Presiding Officer well knows, states that "Each House may determine the rules of its proceedings . . ."

It is our contention, simply stated, as the Presiding Officer well knows, that that wording of the Constitution gives to the Senate—and by that I mean a majority of those present and voting—the right to terminate debate at the beginning of a Congress, so that the Senate may proceed, by a majority vote, to adopt "the rules of its proceedings."

My parliamentary question is this: If the distinguished senior Senator from New Mexico [Mr. ANDERSON] were to rise and make a motion to terminate debate now, would the Presiding Officer put that motion to the Senate?

The VICE PRESIDENT. The Chair made clear his position on matters involving questions of the Constitution. The Senator from California points out what is his interpretation of the Constitution.

Mr. KUCHEL. Yes.

The VICE PRESIDENT. Of course, the Senator is entitled to his own interpretation. The Senate universally has reserved to itself the right to interpret any matter affecting the Constitution. No Presiding Officer in the history of the Senate has regarded that as his prerogative. Even the former Vice President, Mr. Nixon, when he gave an advisory opinion for the information of the Senate, stated that if a question of the Constitution were raised he would have to follow the precedents and submit it to the Senate.

The Chair has repeated again and again that that is what he would do if such a situation should arise.

If such a motion should be made, the Chair would attempt to determine from the mover whether it was made under the Constitution or under the rules. If it were made under the Constitution the question would automatically go before the Senate to be determined. If it were made under the rules, the Chair could either make a ruling or submit the question to the Senate; whichever the Chair, in his wisdom, determined.

Mr. KUCHEL. I thank the Presiding Officer. May I ask for a little additional enlightenment?

If a motion were made to terminate debate immediately, or if a motion were made in the nature of a motion for the previous question, and the distinguished Presiding Officer, either applying the provisions of the Constitution or otherwise, were to present that motion to the Senate, in what form would it be presented to the Senate? Would the Chair rule that that motion was subject to unlimited debate?

The VICE PRESIDENT. The Chair would submit the question, such a motion being in order, and when submitted, it would be debatable.

Mr. KUCHEL. If a motion were made to terminate debate now, and if it were ruled that a motion made to terminate debate now were subject to unlimited debate, I would respectfully contend that a non sequitur had been reached.

My only purpose in asking these questions is to determine whether, or not if the Senator from New Mexico were to make such a motion, it would be possible, in one fashion or another, Mr. President, at that time to have the Senate vote on the merits of the motion or upon the decision of the distinguished occupant of the chair.

The VICE PRESIDENT. Will the Senator restate his inquiry, if he is making one?

Mr. KUCHEL. Yes. Assume again that the distinguished senior Senator from New Mexico were to make a motion for the previous question, and assume that the Presiding Officer were to permit the Senate to determine whether that motion were in order or not. Would it be possible for that issue to be taken up and disposed of at that time? Would the Chair be able to present the motion to terminate debate to the Senate so that the Senate might then proceed to make its decision, unrestricted by unlimited debate?

The VICE PRESIDENT. If a consti-

tutional question is submitted to the Senate, it is subject to debate. Also, a motion to table is in order. The motion to table would not be debatable.

Mr. KUCHEL. If a motion to table a motion to terminate debate fails, assuming the motion to terminate debate is made by the Senator from New Mexico, and assuming a second Senator moves to table that motion, assuming the tabling motion is defeated, then is the motion debatable—

The VICE PRESIDENT. The Chair thinks the best thing to do is for the Senate to determine what it wants to do, get a reasonably good idea about it, move to that end, and let the Chair rule on the questions as they come up, instead of having imaginary, hypothetical cases, difficult to follow and rule on.

The Chair said the other day that he did not want to indulge in the practice of considering imaginary, visionary, hypothetical cases that may or may not come before the Senate.

Mr. KUCHEL. Neither do I, but I seek all the guidance I can receive. I want to determine how best the Senate may come to grips with the constitutional contention, and let the Senate vote it up or down in that fashion. It would be a tragedy, in my judgment, if a motion to terminate debate, based on constitutional arguments, were subject to "unlimited debate," because such a motion to terminate debate will be made.

I certainly was not trying to be visionary. All I was trying to do was to obtain guidance from the Chair so the Senate might know how to proceed now or at the time the motion is made.

The VICE PRESIDENT. Whatever the Senator's intent may be, the Chair will repeat what he has said on several occasions: Any constitutional question submitted to the Senate is debatable.

Mr. RUSSELL. Mr. President, if the time has expired, I would like to be heard for a moment.

I regret very much that the distinguished majority leader is displeased with the debate on the motion to take up the resolution. He states that it is somewhat unusual. I can only reply that everything connected with this whole procedure is most unusual and unknown to the ordinary practices of the Senate.

In the first place, an effort is being made to bring this question before the Senate for determination without giving the Rules Committee of the Senate an opportunity to have a hearing on it. Talk about unusual procedure. An attempt is being made to bypass the committees of the Senate in the haste to change the rules, so that a simple majority may gag their colleagues who may wish to state their position or defend the vital interests of the people who sent them here as their representatives.

So it is all unusual. There is nothing ordinary about this procedure. It is all extraordinary.

Those of us who are resisting the motion to take up are not responsible for this extraordinary procedure. We think this question should be considered by a committee, as other matters of mo-

"The rate of those applying is increasing," he said.

The board has estimated that 40 percent of the new applications are from persons who would not qualify under the old-age assistance program.

Ovre said that persons requiring medical aid have been receiving it, either under medical aid to the aged or old-age assistance.

The welfare board director raised the legal question of whether one class of persons receiving tax benefits can be treated differently from other classes.

"I don't believe any other State has set up any classification system," he said.

However, he acknowledged that the basis of need factor depends on how liberally the word "need" is defined.

"After 18 months of operation we know a little bit more about it," he said of the medical aid to the aged program.

## Goal of the Federal Prison System

### EXTENSION OF REMARKS

OF

### HON. EDWARD V. LONG

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Monday, January 21, 1963

Mr. LONG of Missouri. Mr. President, in the winter issue of the *George Washington University Alumni Review*, there appears an article "Talent Scout for Alcatraz" written by Mr. James V. Bennett, Director, Federal Bureau of Prisons. The article discusses the goal sought by our Federal prison system and a number of its successes. Mr. Bennett has served our Nation well over the past 25 years, and as chairman of the Subcommittee on National Penitentiaries, I commend this article to the attention of all those who seek a more orderly and responsible society.

Mr. President, I ask unanimous consent that the article be printed in the Appendix to the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### TALENT SCOUT FOR ALCATRAZ

(By James V. Bennett)

(NOTE.—James V. Bennett, L.L.B., 1926, this year completed 25 years as Director of the Federal Bureau of Prisons, supervising 31 institutions which he visits every year and in which he is responsible for many basic prison reforms. Mr. Bennett was assigned to assist a congressional committee investigating the employment program of the Federal penal system in 1926 and has worked in the Federal prison field since then. He is credited with helping promote and draft the Federal Youth Correction Act. He has served on many boards and commissions of a national and international nature. His awards include the Selective Service Civilian Award and the Exceptional Civilian Service Medal by the War Department, the Distinguished Public Service Award by Navy, the President's Award for Distinguished Federal Civilian Service. He holds the University's Alumni Achievement Award.)

With the inmate population of the Federal prison system going up every year, as it is in nearly every other penal system, there really isn't any need for me to drum up business. Yet there are those who conceive of my job in just such terms as the title of this article implies. One of them is

the old-time bank robber Eddie Bentz who was one of our guests at Alcatraz several years ago.

Eddie occupied a cell off the flat known to the inmates as "Broadway." On my frequent visits to Alcatraz I always stopped by to see him and we became good friends. Our discussions often took a philosophical turn. "Just stop to think," he told me on one of these occasions, "supposing everybody in the world were honest and there were no bank robbers—"

It immediately occurred to me that if this utopian situation came to pass, there would be no Alcatraz. Like Eddie, most of his 250 colleagues at Alcatraz were serving long terms for their depredations on various and sundry banks around the country. But I sensed that this wasn't the point Eddie wanted to make, and without commenting I heard him out.

"First of all," he said, "you would be out of a job, and after you, the judges and large segments of lawyers and policemen would be out of a job, and the locksmiths and the safemakers would be out of a job, and most banks would have to close up."

He paused dramatically and then made his point. "If there were no banks, then there would be no money to loan to keep our economic wheels moving. The logical thing, since I have never robbed any bank that wasn't insured, and since I'm a sort of catalytic agent, is to let me go out and thus keep this whole scheme of yours going."

Eddie wasn't completely wrong from a sociological point of view. But in subsequent years it dawned on him that inasmuch as he and his associates had created jobs for policemen, the policemen were going to carry out their responsibilities. This meant extended terms of incarceration for Eddie. He is now awaiting release from a midwestern State prison, and I am sure that when he gets out he will make a good citizen. And put his money into banks and, like the rest of us, take a rather jaundiced attitude toward his successors in crime who try to withdraw these funds at the point of a gun.

In prison work we are not trying to perpetuate our jobs. A recent 4-year study made by the University of Illinois under the auspices of the Ford Foundation indicates that 70 percent of the persons who leave the institutions of the Federal prison system make good in their efforts to stay out of trouble with the law. On its face this statistic would imply that we are rapidly working ourselves out of a job. But unfortunately—and we choose to look upon it that way—the complexities, stresses, and ills of our society generate more than enough replacements to fill the ranks of those who have gone straight.

The challenge to those of us in prison work is therefore greater than it has even been before. And we cannot meet that challenge with the traditional prisons—the Joliet, San Quentins, and Leavenworths. It is no longer possible, and in my opinion it never was, merely to attempt to try to frighten men into conformity with the law. They must be equipped with the education and vocational skills which will permit them to assume a useful role in a highly demanding and increasingly technological society. Also, those who have become emotionally disturbed under the pressures of today must be given the psychiatric treatment and the intensive counseling that will stabilize them to the point where they can meet the responsibilities of citizenship with resolution and confidence.

We are developing new types of institutions and new types of programs which can cope with the problems of crime and delinquency in the space age. A prototype of the new institution is the famous "Prison Without Walls" at Seagoville, Tex. Here you will find none of the features that characterize

the usual concept of a prison. It has no walls, no guard towers, no long lines of men marching off to work or to meals under the watchful eyes of guards. The inmates live in simply furnished rooms, and carry their own keys to these quarters. They go to their assigned jobs at the appointed time on their own initiative. On visiting days a man can take his family to church services or to lunch in the dining hall. A full program of employment, education, and vocational training, religious counseling, casework services, a wide range of recreation and leisure time activities and medical care comprise the day-to-day operations. The emphasis throughout is on self-reliance, self-respect, and trustworthiness.

A full third of the 24,000 prisoners in our Federal institutions are aged 25 and under, and the emphasis in our programs is necessarily upon youth. In 1950 the Congress, with the full support of the Federal judiciary, passed the Youth Corrections Act. This act opened up a wide range of possibilities for dealing with the problem of youthful offenders. Judges no longer had to sentence young offenders to flat terms of imprisonment; they could commit them to the control of the Attorney General for an indeterminate period of 6 years or for a period as long as the statutory penalty provided for the offense. The youths committed under this procedure could be paroled to the community at any time but in no case later than 2 years prior to the end of their term. Under the stimulus of this flexible procedure a number of our institutions were geared to focus on these offenders a particularly intensive program of treatment. The act also authorized the board of parole to set aside the convictions of those youths who followed up programs of institutional treatment with particularly fine records in the community. In effect, the act provided all the means necessary to reorganize the lives of youthful offenders and give them a fresh start.

Not many years ago we received four young men under this procedure from a midwestern court. They had kidnapped and assaulted a young woman. This was a grave offense, and the judge was under extreme public pressure to throw the book at them. But he felt that they could be salvaged and committed them for 12 years under the Youth Act. The youths responded earnestly to the chance that had been given them. They worked hard in the institution to improve their education and to learn a vocation. Eventually they earned parole.

I kept in touch with the progress of these young men. One of them entered college following his release and graduated last year. Two started businesses with the skills they had learned in the institution and are doing well. The fourth is working steadily in a vocation that he similarly acquired. Of the four, two are married and are considered solid family men in their community. Upon the recommendation of their supervising probation officer, the board of parole has set aside their convictions.

But for the new approach permitted by the Youth Act these young men would still be serving extended terms in a penitentiary. Instead of being expensive liabilities perhaps for their entire lifetimes, they are now taxpayers and productive citizens.

It was the success of the Youth Act with cases like these that led in 1958 to the enactment of a farseeing statute permitting similar flexibility in the treatment of adult offenders. It gave the judges discretion to impose indeterminate sentences on older offenders, and in the cases of particularly perplexing cases, to commit the defendants to us for a diagnostic study and sentencing recommendation. The judges have made great use of their new discretion.



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One of the first cases committed for study was that of a policeman who had committed a series of robberies. Our institutional staff found that he had a bizarre fantasy life. He imagined himself as the "Black Phantom," and in the darkness of an alley, dressed in a black cloak and hat, he would often swoop down on unsuspecting drunks. Our psychiatrists concluded that he was mentally ill but still sufficiently rational to be considered responsible for his acts. Upon our recommendation the judge committed him for 20 years under the new indeterminate procedure. The policeman is responding well to psychiatric treatment, and I am sure that within a few years it will be possible to parole him to the community with safety.

We have had encouraging success in redirecting the lives of many offenders, but we are also aware that we have a responsibility to keep out of circulation as effectively as possible the dangerously perverted and psychopathic, and the thoroughly ingrained antisocial rebel who will not voluntarily accept any responsibility for himself or anyone else. For these and many others, probation or some other type of controlled supervision in the community seems unrealistic. Even the modern psychiatrist would hesitate to assure us that these distorted personalities could be transformed into attractive, acceptable members of our complex, competitive society.

These men for the most part are confined in the old-line penitentiaries where custodial security remains as tight as it has ever been, and perhaps even tighter with the refinement of our custodial methods and the application of electronics and the other products of modern technology to the problems of security. But even in these facilities we do not entirely give up on our efforts to salvage men. Except for the 2 or 3 percent who eventually die in prison, they all come out some day.

One such man was released nearly 8 years ago at the end of his term, and it was with crossed fingers that the warden saw him go. He had an extended record of offenses and imprisonment. Our psychiatrists tentatively labeled him a psychopath. Although he had taken a number of courses in prison—advertising, business administration, copywriting, and so on—there was little to indicate that he had really changed his attitude and values.

But somewhere in his last prison experience the necessary alchemy had taken place. With the assistance of his probation officer, he found a job as a copywriter in a radio advertising agency. Within a short time he was promoted to an accounts executive, and not long afterward to station manager. He continued to earn successive promotions, and within a half-dozen years of his release from prison he headed a chain of radio and television stations, with a salary several times that of the prison warden who with such trepidation had watched him leave the prison gates.

I had gotten to know this man in prison, and one day there arrived at my office a fine leather briefcase that he made for me during the long evening hours in his cell. I have carried this case home loaded with work every day for the past several years. It is battered now and somewhat the worse for wear. But I would not be without it.

It serves as a constant reminder to me that we cannot give up hope on any man. With an awareness of the amazing transformation in this man's life, I find it much easier to open the case and get to work on its formidable contents—the problems of the 24,000 men still in prison.

## Cuba: A National Orgy of Self-Congratulation

### EXTENSION OF REMARKS

OF

## HON. BARRY GOLDWATER

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, January 21, 1963

Mr. GOLDWATER. Mr. President, I ask unanimous consent that an article entitled "Great National Orgy of Self-Congratulation," written by Gen. Thomas D. White, U.S. Air Force, retired, one of the best that this outstanding patriot of America has prepared for that publication thus far, and published in Newsweek issue of January 14, be printed in the Appendix of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### GREAT NATIONAL ORGY OF SELF-CONGRATULATION

(By Gen. Thomas D. White, U.S. Air Force, retired)

"Placebo," any harmless substance, as bread pills, given to humor a patient.—Funk and Wagnalls Practical Standard Dictionary.

Uncle Sam has long been suffering from a severe case of national apathy recently aggravated and climaxed in a high Cuban fever. His most dangerous sequela is overconfidence. As an aftermath of Cuba we may become more off-guard than ever, tranquilized by our own nostrums and the propaganda pills constantly fed to us by Dr. Khrushchev.

Our Government acted courageously in the Cuban situation. But that is exactly what I expect the Government of the United States of America to do.

What seems strange to me is that we have been engaged in a great national orgy of self-congratulations. We congratulate ourselves over the confrontation of our sworn enemy who, armed with lethal weapons aimed at the very heart of this country, marched almost openly into our own front yard. It seems to me that rather than congratulate ourselves, we should soberly recognize that Cuba is surely one of the easiest of all the areas and circumstances of possible decisive confrontation with the Soviet Union. Instead of crowing over a 12th-hour decision, we should be taking stock of our national attitudes which permitted the immediate situation to arise in the first place.

I find it especially difficult to understand why our military authorities did not raise the alarm long before October. In my opinion, and I spent many years in the intelligence business, there was enough information to be found in the daily press alone to have led to a military conclusion that the Russians in Cuba were posing a serious threat to the United States.

Surely the stream of Russian ships to Cuba which began last midsummer should have aroused deep suspicion. Could anyone in uniform really have believed that the construction in Havana Harbor was for a fishing fleet? Did the evaluators of Soviet intelligence, who should be chosen for their cynicism, actually give credence to published reports that thousands of Russian troops in Cuba were there for peaceful purpose or that the U.S.S.R. would mount such an effort merely to arm Fidel Castro with defensive missiles? Was not the sum total of indicators

enough to raise the alarm long before it was raised?

I am perturbed that, whatever the current arrangement of intelligence organizations, whatever the Department of Defense policies on military expression of views, there should be such evidence of complacency among our professional military watchdogs.

There have been changes in our military intelligence setup, and the military voice has certainly been muted. Nonetheless I am confident that if our highest military authorities had stood up and spoken on this subject, the Commander in Chief would have acted promptly on their warning.

It bothers me also to know that the equipment for launching and guiding certain types of missiles can be hidden readily and that some missiles and aircraft themselves can be transported piecemeal and quickly reassembled. These factors and other clandestine capabilities of the U.S.S.R. in Cuba lead me to believe that as long as there is a Communist government in Cuba, the United States and all of Latin America are in jeopardy. Our naiveté in believing otherwise has brought us close to a major disaster.

We may have been "eyeball to eyeball" and this time the other fellow may have blinked—but maybe he only winked. In any case, we may be sure that he is already plotting a next time. He will continue to feed us propaganda pills to lull our senses and will always be set to administer us a fatal potion. Khrushchev has sworn to bury us. Presumably he would prefer to bury us alive. But if necessary he would gladly bury us dead.

"Placebo," the opening antiphon of the vespers for the dead.—Funk and Wagnalls Practical Standard Dictionary.

## Scientific Efforts To Serve Humanity

### EXTENSION OF REMARKS

OF

## HON. EDWARD V. LONG

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Monday, January 21, 1963

Mr. LONG of Missouri. Mr. President, several weeks ago, the St. Louis Post-Dispatch carried a thought-provoking editorial directed to the world scientific community. However in a board context, it was directed to all mankind. We are all responsible for the end use of our efforts. It is not enough to answer that we search for knowledge only or that we follow the directions of our superiors. We must, each of us, strive to see that our efforts serve humanity. Such a path may bring adversity, but the goal is worth the endeavor.

Mr. President, I ask unanimous consent that the editorial "For Death or for Life?" be printed in the Appendix to the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### FOR DEATH OR FOR LIFE?

The Nobel Prizes for physics and chemistry, we suppose, exemplify the spirit of modern scientists—or many of them. The former went to Lev Davidovich Landau of the Soviet Union whose theories for condensed matter

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<b>Remarks:</b>  For information there are attached excerpts from the <u>Congressional Record</u> containing Goldwater's remarks commenting on the Attorney General's story about no U. S. air cover promised for the Bay of Pigs. Also included is an insertion in the Appendix by Goldwater. 25X1A <div style="background-color: black; width: 200px; height: 50px; margin: 10px auto;"></div>			
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